

Andrea D. Ziolkowski  
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**RECEIVED**  
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CLERK, U.S. DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

Andrea D. Ziolkowski

Plaintiff,

CV 12-04-M-DLC-JCL

vs.

JOHNSON, RODENBURG &  
LAUINGER, PLLP,  
CHARLES L. DENDY,  
BRUCE JOHNSON,  
CLIFTON RODENBURG,  
LISA LAUINGER,  
DISCOVER BANK aka  
DELAWARE STATE BANK,  
JOHN DOES 1-15  
JANE DOES 1-15

Defendants

**PRELIMINARY**

**PRETRIAL**

**STATEMENT**

This is the pretrial statement of Andrea D; Ziolkowski.

**I Appearance:**

Andrea D; Ziolkowski will appear pro se.

**II Nature of action, Jurisdiction and Venue**

A) This is an action for violations of the Fair Debt Collection Practices Act, and the Fair Debt Reporting Act, is brought pursuant to 15 U.S.C. SS 1692 and 1681.

B) Jurisdiction of this court arises under Title 15 U.S.C. 1692 which grants this United States District Court jurisdiction to hear this action without regard to the amount of controversy and Declaratory relief is available pursuant to Title U.S.C. SS 2201 and 2202.

C) Venue lies in this district pursuant to Title 28 U.S.C. SS 1391(b).

### III Statement of the Case

The evidence will show that Discover Bank aka Delaware State Bank is no longer the holder in due course and has unjustly attempted to collect alleged debt and that Andrea D. Ziolkowski is entitled to an administrative review and determination of the facts.

### IV Issues of Fact and Law

A) Contested Issues of Fact:

- 1) Defendants knowingly and consciously obtained credit information without Plaintiff's consent.
- 2) Defendants knowingly and consciously submitted false and inaccurate information to the credit reporting agencies.
- 3) Defendants knowingly and consciously perpetrate fraud by continuing collection efforts when failing to provide verification of purported debt.

B) Contested Issues of Law:

- 1) Defendants violated Fair Credit Reporting Act 15 USC 1681 ss604 and MCA 31- 3-111 did not show permissible purpose, to obtain Plaintiff's

credit report.

2)Defendants violated Fair Debt Collections Practices Act 15 USC 1692 e (2)(A), (3), (5), (8), (10), by placing false and derogatory information on Plaintiff's credit report.

3)Defendants violated Fair Debt Collections Practices Act 15 USC 1692 (g)(4), alleged debt was not verified within 30 days.

4)Defendants violated Fair Debt Collections Practices Act 15 USC 1692 (e)(2)(A) did not produce "holder in due course".

#### V DISCOVERY

##### A) Initial Disclosure:

The initial disclosures required by FRCP Rule 26 (a)(1) have been made on or around January 24, 2012.

##### B)Discovery Plan:


A joint discovery plan decided upon by both sides was entered by the Defendants on or before May 17, 2012.

##### C) Preliminary Pretrial Conference:

Preliminary Pretrial Conference will take place on May 24, 2012.

Respectfully Submitted

May 17,2012  
nunc pro tunc

  
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